

JK: HK: GG [03/07/02]
Item No. 32.

AN ORDINANCE

95415

**ADOPTING THE FEDERAL EMERGENCY MANAGEMENT
AGENCY (FEMA) APPROVED FLOOD INSURANCE STUDY (FIS)
AND FLOOD INSURANCE RATE MAPS (FIRM) THAT BECAME
EFFECTIVE FOR USE IN THE CITY OF SAN ANTONIO ON
JANUARY 4, 2002 IN THE UNIFIED DEVELOPMENT CODE,
APPENDIX F FLOODPLAINS - AREAS OF SPECIAL FLOOD
HAZARD (ALSO KNOWN AS THE CITY'S FLOODPLAIN
ORDINANCE), SUBDIVISION A. SEC. 35-F108; AUTHORIZING
THE CITY MANAGER OR HER DESIGNEE TO EXECUTE ANY
NECESSARY DOCUMENTS.**

* * * * *

WHEREAS, the Upper Olmos Creek plan was adopted on February 15, 1996 by Ordinance No. 83604, the Leon Creek plan was adopted on February 27, 1997 by ordinance no. 85681 and the Salado Creek plan was adopted on April 17, 1997 by ordinance no. 85913; and

WHEREAS, the Federal Emergency Management Agency (FEMA) approved the Flood Insurance Study and Flood Insurance Rate Maps, effective as of January 4, 2002, for use by the City of San Antonio in the Unified Development Code, Appendix F Floodplains; and

WHEREAS, adoption of the study and the maps are the final steps in updating the Leon Creek, Upper Olmos Creek, and Salado Creek floodplains as commissioned for study by the City in the 1994 bond program; and

WHEREAS, approval of this Ordinance is a continuation of the city policy to implement previously approved bond projects and provide for the safety and welfare of the citizens; and

WHEREAS, Unified Development code Appendix F was presented to and recommended for adoption by the Zoning Commission on October 16, 2001 and by the Planning Commission on November 14, 2001; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Council hereby adopts **Attachment A** attached hereto and entitled Appendix F Floodplains - Areas of Special Flood Hazard, Subdivision A, Section 35-F108 into the Unified Development Code as Appendix F.

SECTION 2. The Flood Insurance Study for the Upper Olmos Creek dated August 9, 1999, for Salado Creek dated April 11, 2000 for the Bexar County Texas and incorporated areas

1
2
3
4 **dated September 29, 2000, all marked as Attachment B-1 and incorporated herein**
5 **by reference, and the Flood Insurance Rate Maps, marked as Attachment B-2 and**
6 **incorporated herein by reference, dated January 4, 2002, all the foregoing have been**
7 **approved by the Federal Emergency Management Agency (FEMA), are hereby**
8 **adopted.**
9

10 **SECTION 3.** The City Manager, or her designee, is authorized to execute any necessary
11 documents on behalf of the City of San Antonio to implement the foregoing, providing
12 such documents are first reviewed and approved by the City Attorney.
13

14 **SECTION 4.** This ordinance shall take effect on the tenth day from the date of passage
15 hereof.
16

17 **PASSED AND APPROVED** this 7th day of March, 2002.
18

19
20 *REFERENCE COPY NOT ORIGINAL DOC.*
21 *ORIGINAL COPY IN CITY CLERK'S OFFICE*
22

23 **M A Y O R**

24 **EDWARD D. GARZA**
25

26
27 **ATTEST:**
28 **City Clerk**
29

30
31 **APPROVED AS TO FORM:** _____
32 **City Attorney**
33

ATTACHMENT "A"

APPENDIX F: FLOODPLAIN

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APPENDIX F. Floodplains – Areas of Special Flood Hazard

Subdivision A General

Design Criteria outlined in Section 35-504 Storm Water Management are incorporated in this Appendix.

Sec. 35-F101. Title, duties of officials.

The provisions of this division shall be known as and may be cited as the city's Floodplain Ordinance, and all officials of the city having duties under these regulations are ordered and directed to perform such duties as required of them under these regulations.

Sec. 35-F102. Reporting violations, other remedies.

Violations of this division shall be reported by the city floodplain administrator as set out herein. Any person who fails to comply with these regulations is guilty of a misdemeanor. In addition to the other remedies provided by law, the city council may institute appropriate action to abate violations of these regulations as a public nuisance and in violation of Chapter 35.

Sec. 35-F103. Findings of fact.

(a) The flood hazard areas of San Antonio are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage.

Sec. 35-F104. Statement of purpose.

The purpose of this division is to promote land use controls necessary to qualify the city for flood insurance under requirements of the National Flood Insurance Act of 1968 with provisions designed:

- (1) To protect human life and property exposed to the hazards of flooding;
- (2) To avoid increasing flood levels or flood hazards or creating new flood hazards areas;

- (3) To minimize public and private property losses due to flooding;
- (4) To preserve the natural floodplains where at all possible;
- (5) To ensure that potential property owners are notified if property is in a special flood hazard area;
- (6) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (7) To minimize prolonged business interruptions;
- (8) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in special flood hazard areas;
- (9) To minimize expenditure of future public money for costly flood control projects; and
- (10) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas.

Sec. 35-F105. Methods of reducing flood losses.

In order to accomplish its purposes, this division uses the following methods:

- (1) Restricts or prohibits uses that are dangerous to health, safety or property in times of flood, or cause increases in flood heights or velocities;
- (2) Requires that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controls the alteration of natural floodplains, their protective barriers and stream channels;
- (4) Prevents the construction of barriers which will divert flood waters and subject other lands to greater flood hazards;
- (5) Controls development which would cause greater erosion or potential flood damage such as grading, dredging, excavation, and filling.
- (6) Imposes a Regulatory 100-year Floodplain that requires using the ultimate development of the watershed to determine the 100-year water surface elevations. New developments must be constructed above this elevation.

Sec. 35-F106. Special floodplain definition.

Unless specifically defined below, words or phrases used in this division shall be interpreted to give them the meaning they have in common usage and to give this division its most reasonable application. The following definitions applies only to this division:

100-year Floodplain is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year and the area is designated as a Federal Emergency Management Agency (FEMA) Zone A, AE, AH, AO on the Flood Insurance Rate Maps.

1 *Area of Flood Inundation* refers to sites that are subject to flooding as a result of
2 water ponding in the controlled storage areas of dams, detention and retention ponds.

3
4 *Area of shallow flooding* means a designated AO, AH, or VO zone on a community's
5 Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of
6 flooding to an average depth of one to three feet where a clearly defined channel does not
7 exist, where the path of flooding is unpredictable and where velocity flow may be
8 evident. Such flooding is characterized by ponding or sheet flow.

9
10 *Area of special flood hazard* is the land in the floodplain within a community subject to a
11 one- percent or greater chance of flooding in any given year. This area is also known as
12 the 100-year floodplain. The area is designated as a Federal Emergency Management
13 Agency Zone A, AE, AH, AO on the Flood Insurance Rate Maps.

14
15 *Base flood* means the flood having a one percent chance of being equaled or exceeded
16 in any given year.

17
18 *Basement* means any area of the building having its floor subgrade (below ground
19 level) on all sides.

20
21 *CLOMR* means a Conditional Letter of Map Revision. A CLOMR will be submitted
22 for FEMA approval for all proposed physical changes to the floodplain that will result in
23 a change to the floodplain boundary.

24
25 *Development* means any man-made change in improved and unimproved real estate,
26 including but not limited to buildings or other structures, mining, dredging, filling,
27 grading, paving, excavation or, drilling operations or storage of equipment or materials.

28
29 *Elevated building* means a nonbasement building (i) built, in the case of a building in
30 Zones AE, A, A99, AO, AH, X, and D, to have the top of the elevated floor, elevated
31 above the ground level by means of pilings, columns (posts and piers), or shear walls par-
32 allel to the floor of the water and (ii) adequately anchored so as not to impair the
33 structural integrity of the building during a flood of up to the magnitude of the base flood.
34 In the case of Zones AE, A, A99, AO, AH, X, D, "elevated building" also includes a
35 building elevated by means of fill or solid foundation perimeter walls with openings
36 sufficient to facilitate the unimpeded movement of flood waters.

37
38 *Existing construction* means for the purposes of determining rates, structures for
39 which the "start of construction " commenced before the effective date of the FIRM or
40 before January 1, 1975, for FIRMs effective before the date. "Existing construction" may
41 also be referred to as "existing structures."

42
43 *Existing Manufactured Home Park or Subdivision* means a manufactured home park
44 or subdivision for which the construction of facilities for servicing the lots on which the
45 manufactured homes are to be affixed (including, at a minimum, the installation of
46 utilities, the construction of streets, and either final site grading or the pouring of concrete

1 pads) is completed before the effective date of the floodplain management regulations
2 adopted by a community.

3
4 *Expansion to an existing Manufactured Home Park or Subdivision* means the
5 preparation of additional sites by the construction of facilities for servicing the lots on
6 which the manufactured homes are to be affixed (including the installation of utilities, the
7 construction of streets, and either final site grading or the pouring of concrete pads).

8
9 *Flood or Flooding* means a general and temporary condition of partial or complete
10 inundation of normally dry land areas from:

11 (1) the overflow of inland or tidal waters.

12 (2) the unusual and rapid accumulation of runoff of surface waters from any source.

13
14 *Flood Rate Insurance Map (FIRM)* means an official map of a community, on
15 which the Federal Emergency Management Agency has delineated both the areas of
16 special flood hazards and the risk premium zones applicable to the community.

17
18 *Flood Insurance Study (FIS)* is the official report provided by the Federal
19 Emergency Management Agency. The report contains flood profiles, water surface
20 elevation or the base flood, as well as the Flood Boundary Map.

21
22 *Floodplain* means any land area susceptible to being inundated by water from any
23 source (see definition of flooding). The 100-year floodplain is also known as the area of
24 special flood hazard.

25
26 *Flood-prone area* means any land area susceptible to being inundated by water
27 from any source (see definition of flooding).

28
29 *Floodplain Management* means the operation of an overall program of corrective
30 and preventive measures for reducing flood damage, including but not limited to
31 emergency preparedness plans, flood control works and floodplain management
32 regulations.

33
34 *Floodplain Management Regulations* means zoning ordinances, subdivision
35 regulations, bonding codes, health regulations, special purpose ordinances (such as a
36 floodplain ordinance, grading ordinance and erosion control ordinance) and other
37 applications or police power. The term describes such state or local regulations, in any
38 combination thereof, which provide standards for the" purpose or flood damage
39 prevention and reduction.

40
41 *Flood Protection System* means those physical structural works for which funds
42 have been authorized, appropriated, and expended and which have been constructed
43 specifically to modify flooding in order to reduce the extent or the areas within a
44 community subject to a "special flood hazard" and the extent or the depths or associated
45 flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs,

1 levees or dikes. These specialized flood modifying works are those constructed in
2 conformance with sound engineering standards.

3
4 *Flood Proofing* means any combination of structural and non-structural additions,
5 changes, or adjustments to structures which reduce or eliminate flood damage to real
6 estate or improved real property, water and sanitary facilities, structures and their
7 contents.

8
9 *Floodway* means the channel or a river or other watercourse and the adjacent land
10 areas that must be reserved in order to discharge the base flood. The floodway is the 100-
11 year floodplain in the City of San Antonio.

12
13 *Habitable Structure* means a structure that has facilities to accommodate people for
14 an overnight stay. These include, but are not limited to, residential homes, apartments,
15 condominiums, hotels, motels, and manufactured homes. Recreational vehicles are not
16 included in this definition.

17
18
19 *Historic Structure* means any structure that is:

- 20 (a) Listed individually in the National Register of Historic Places (a listing
21 maintained by the Department of Interior) or preliminarily determined by the
22 Secretary or the Interior as meeting the requirements for individual listing on the
23 National Register;
24 (b) Certified or preliminarily determined by the Secretary of the Interior as
25 contributing to the historical significance of a registered historic district or a
26 district preliminarily determined by the Secretary to qualify as a registered
27 historic district;
28 (c) Individually listed on a state inventory of historic places in states with historic
29 preservation programs which have been approved by the Secretary of Interior; or
30 (d) Individually listed on a local inventory or historic places in communities with
31 historic preservation programs that have been certified either:
32 1. By an approved state program as determined by the Secretary of the
33 Interior or;
34 2. Directly by the Secretary of the Interior in states without approved
35 programs.

36
37 *Levee* means a man-made structure, usually an earthen embankment, designed and
38 constructed in accordance with sound engineering practices to contain, control, or divert
39 the flow of water so as to provide protection from temporary flooding.

40
41 *LOMR* means a Letter of Map Revision. A LOMR will be submitted for FEMA
42 approval for all changes to the floodplain boundary that are delineated on the current
43 Flood Insurance Rate Maps.

44
45 *Lowest Floor* means the lowest floor of the lowest enclosed area (including
46 basement). An unfinished or flood resistant enclosure, usable solely for parking or

1 vehicles, building access or storage in an area other than a basement area is not
2 considered a building's lowest floor; provided that such enclosure is not built so as to
3 render the structure in violation of the applicable non-elevation design requirement of
4 Section 60.3 of the National Flood Insurance Program regulations.

5
6 *Manufactured Home* means a structure transportable in one or more sections,
7 which is built on a permanent chassis and is designed for use with or without a permanent
8 foundation when connected to the required utilities. The term "manufactured home" does
9 not include a "recreational vehicle".

10
11 *Manufactured Home Park or Subdivision* means a parcel (or contiguous parcels)
12 of land divided into two or more manufactured home lots for rent or sale.

13
14 *Mean Sea Level* means, for purposes of the National flood Insurance Program, the
15 National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood
16 elevations shown on a community's flood Insurance Rate Map are referenced.

17
18 *Natural state* means the topography that exists at the time information is gathered for
19 flood insurance rate maps or any subsequent approved revisions to those maps.

20
21 *New Construction* means, for the purpose of determining insurance rates,
22 structures for which the "start of construction" commenced on or after the effective date
23 of an initial FIRM or after December 31, 1974, whichever is later, and includes any
24 subsequent improvements to such structures. For floodplain management purposes, "new
25 construction" means structures for which the "start of construction" commenced on or
26 after the effective date of a floodplain management regulation adopted by a community
27 and includes any subsequent improvements to such structures.

28
29 *New Manufactured Home Park or Subdivision* means a manufactured home park
30 or subdivision for which the construction of facilities for servicing the lots on which the
31 manufactured homes are to be affixed (including at a minimum, the installation of
32 utilities, the construction of streets, and either final site grading or the pouring of concrete
33 pads) is completed on or after the effective date of floodplain management regulations
34 adopted by a community.

35
36 *Recreational Vehicle* means a vehicle which is (i) built on a single chassis; (ii)
37 400 square feet or less when measured at the largest horizontal projections; (iii) designed
38 to be self-propelled or permanently towable by a light duty truck; and (iv) designed
39 primarily not for use as a permanent dwelling but as temporary living quarters for
40 recreational, camping, travel, or seasonal use.

41
42 *Regulatory 100-year Floodplain* is the land within the community subject to flooding
43 during a 100-year frequency storm event assuming ultimate development has occurred
44 throughout the watershed. The Regulatory 100-year Floodplain is limited to the reach of
45 the stream which is designated as an area of special flood hazard on the Flood Insurance
46 Rate Maps.

1
2 *Repetitive Loss* means flood-related damages sustained by a structure on two separate
3 occasions during a 10-year period for which the cost of repairs at the time of each such
4 flood event, on the average, equals or exceeds 25 percent of the market value of the
5 structure before the damage occurred.

6
7 *Start of construction* means for all new construction and substantial improvements,
8 the date the building permit was issued, provided the actual start of construction, repair,
9 reconstruction, placement, or other improvement was within one hundred eighty (180)
10 days of the permit date. The actual start means either the first placement of permanent
11 construction of a structure on a site, such as the pouring of slab or footings, the instal-
12 lation of piles, the construction of columns, or any work beyond the stage of excavation
13 for a foundation; or the placement of manufactured home on a foundation. Permanent
14 construction includes land preparation, such as clearing, grading and filling; includes the
15 installation of streets and/or walkways; excavation for a basement, footings, piers, or
16 foundations or the erection of temporary forms; the installation on the property of
17 accessory buildings, such as garages or sheds not occupied as dwelling units or not part
18 of the main structure. The start of construction period is valid for one hundred eighty
19 (180) days. Any delay beyond this period would require resubmission of added data and
20 the permit application.

21
22 *Structure* means a walled and roofed building, including a gas or liquid storage
23 tank, which is principally above ground, as well as a manufactured home.

24
25 *Substantial Damage* means damage of any origin sustained by a structure whereby
26 the cost of restoring the structure to its before damaged condition would equal or exceed
27 50 percent of the market value of the structure before the damage occurred. Substantial
28 damage also means flood-related damages sustained by a structure on two separate
29 occasions during a 10-year period for which the cost of repairs at the time of each such
30 flood event, on the average, equals or exceeds 25 percent of the market value of the
31 structure before the damage occurred.

32
33 *Substantial Improvement* means any reconstruction, rehabilitation, addition, or other
34 improvement of a structure, the cost of which equals or exceeds 50 percent of the market
35 value of the structure before "start of construction" of the improvement. This includes
36 structures which have incurred "repetitive loss" or "substantial damage", regardless of the
37 actual repair work performed. The term does not, however, include either: (1) Any
38 project for improvement of a structure to correct existing violations of state or local
39 health, sanitary, or safety code specifications which have been identified by the local
40 code enforcement official and which are the minimum necessary conditions or (2) Any
41 alteration of a "historic structure", provided that the alteration will not preclude the
42 structure's continued designation as a "historic structure."

43
44 *Unflooded Access* means that vehicular traffic has safe access to a property from a
45 public street in times of flood (Regulatory 100-year flood). A property will be considered
46 to have unflooded access to an existing street if flow depths for access on the street

1 adjacent to the property do not exceed one foot (1') and fall within the safe range on
2 Figure 504-2 "Dangerous Conditions on Crossing During Floods."

3
4 *Variance* is a grant of relief to a person from the requirement of this ordinance when
5 specific enforcement would result in unnecessary hardship. A variance, therefore, permits
6 construction or development in a manner otherwise prohibited by this division. (For full
7 requirements see Section 60.6 of the National Flood Insurance Program regulations.)
8

9 *Violation* means the failure of a structure or other development to be fully compliant
10 with the community's floodplain management regulations. A structure or other
11 development without the elevation certificate, other certifications, or other evidence of
12 compliance required in this chapter is presumed to be in violation until such time as that
13 documentation is provided.
14

15 *Water Surface Elevation* means the height, in relation to the National Geodetic
16 Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various
17 magnitudes and frequencies in the floodplains of coastal or riverine areas.
18
19

20 **Sec. 35-F107. Lands to which provisions apply.**

21
22 This division shall only apply to areas of special flood hazard within the jurisdiction of
23 the city and where applicable in its area of extraterritorial jurisdiction.
24
25

26 **Sec. 35-F108. Basis for establishing the areas of special flood hazards.**

27
28 The areas of special flood hazard identified by the Federal Emergency Management
29 Agency in a scientific and engineering report entitled "The Flood Insurance Study, Bexar
30 County, Texas and Incorporated Areas", updated periodically by the Federal Emergency
31 Management Agency, together with the accompanying Flood Insurance Rate Maps and
32 Flood Hazard Boundary-Floodway Maps and any revisions thereto, are hereby adopted
33 by reference and declared to be a part of these regulations. The areas of special flood
34 hazard identified by the Federal Emergency Management Agency on its Flood Insurance
35 Rate Maps (FIRM), currently published for the City of San Antonio and surrounding
36 counties shall be used as the controlling study for the base flood within the city limits of
37 San Antonio and its ETJ unless a more current study is required by the Floodplain
38 Administrator. Typically, new studies will be required for development where existing
39 studies were performed prior to the City of San Antonio's adoption of the 1997 Drainage
40 "Ordinance 86711" and / or where City records indicate the ultimate development of the
41 watershed has not been considered. Similar studies done by FEMA shall also be used for
42 control in the city of San Antonio's area of extraterritorial jurisdiction, along with the
43 floodplain information reports prepared by the United States Corps of Engineers, and the
44 United States Geological Survey, Water Resources Division District Office, Austin,
45 Texas, 1:24,000 U.S.G.S. quadrangle maps as prepared for the Federal, Emergency
46 Management Agency or the latest revisions thereof. These reports and maps are available

1 for inspection by the public in the office of the city drainage engineer. Information and
2 studies sanctioned and adopted by the floodplain administrator or by city council
3 subsequent to publication of the Flood Insurance Study and associated FIRM which
4 update the base flood elevations, floodplain boundaries or flows shall also be used for
5 control.

6
7 **Sec. 35-F109. Compliance.**
8

9 No structure or land in an area of special flood hazard shall hereafter be located, altered,
10 have its use changed, or otherwise be developed unless a floodplain development permit
11 has been issued, pursuant to the terms of this subdivision. Proposed work must be started
12 within twelve (12) months of the date of approval of a floodplain development permit,
13 otherwise the permit will become null and void. The floodplain development permit will
14 be in effect for six (6) months following the start of construction unless otherwise
15 approved on the permit by the Floodplain Administrator.

16
17 No Building Permits, Floodplain Permits or Plat approvals will be issued on properties
18 with past floodplain violations unless the permits will remedy the violation.
19

20 Work permitted with a floodplain development permit shall be undertaken in a manner
21 designed to minimize surface runoff, erosion and sedimentation, and to safeguard life,
22 limb, property and the public welfare in accordance with the NPDES (TPDES)
23 Construction Site Regulation Ordinance, Ordinance No. 94002 as amended.
24

25 **Sec. 35-F110. Abrogation and greater restrictions.**
26

27 This division is not intended to repeal, abrogate, or impair any existing easements, cove-
28 nants, or deed restrictions. However, where this division and another conflict or overlap,
29 whichever imposes the more stringent restrictions shall prevail.
30

31
32 **Sec. 35-F111. Interpretation.**
33

34 In the interpretation and application of this division, all provisions shall be:
35

- 36 (1) Considered as minimum requirements;
37 (2) Liberally construed in favor of the governing body; and
38 (3) Deemed neither to limit nor repeal any other powers granted under state statutes.
39

40
41 **Sec. 35-F112. Warning and disclaimer of liability.**
42

43 The degree of flood protection required by this subdivision is considered reasonable for
44 regulatory purposes and is based on scientific and engineering considerations. On rare
45 occasions greater floods can and will occur and flood heights may be increased by
46 manmade or natural causes. These regulations do not imply that land outside the areas of

special flood hazards or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the city of San Antonio or any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

Secs. 35-F113-35-F120. Reserved.

Subdivision B. Administration and Enforcement

Sec. 35-F121. Designation of a city floodplain administrator.

The director of public works is hereby appointed to administer and implement the provisions of this division.

Sec. 35-F122. Duties and responsibilities of floodplain administrator.

Duties and responsibilities of the city floodplain administrator shall include, but not be limited to:

- (1) Maintain and hold open for public inspection all record pertaining to the provisions of these regulations;
- (2) Review, approve or deny all applications for development permits required by section 35-F131 of this chapter;
- (3) Review permits for proposed development to assure that all necessary permits have been obtained from these federal, state or local governmental agencies from which prior approval is required;
- (4) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the director of public works shall make the necessary interpretation;
- (5) Notify adjacent communities prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (6) Assure that maintenance is provided within the altered or relocated portion of a watercourse so that the flood carrying capacity is not diminished, where appropriate easements are provided;
- (7) When base flood elevation data for various flood prone areas has not been provided in accordance with section 35-F108, the director of public works shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of this division.
- (8) No new construction, substantial improvements, or other development (including cut and/or fill) shall be permitted within zones A and AE on the community's flood insurance rate maps unless it is first demonstrated by engineering data submitted by the applicant's engineer in accordance with the various requirements and procedures as set forth in this division that the cumulative effect of the

1 proposed development, when combined with all other existing and anticipated
2 development, will not increase the water surface elevation of the Regulatory 100-
3 year Floodplain at any point within the community.
4

5 **Sec. 35-F123. Enforcement.**

6
7 ***Generally***
8

9 If any person violates any provisions of these regulations, the director of public works
10 shall notify the city attorney and direct him to take whatever action is necessary to
11 remedy the violation, including but not limited to, filing suit to enjoin the violation and
12 submitting a request to FEMA for denial of flood insurance.
13

14 ***1. (a) Notice of Violation***
15

16 ***1. (1) Generally***
17

18 Whenever the floodplain administrator receives information of the existence of a
19 floodplain violation, the floodplain administrator shall serve the owner of the property with
20 a written notice informing the owner of such condition, directing that action be initiated
21 to bring the property into compliance and advising the owner that he or she must respond
22 in person to the floodplain administrator or authorized representative within fifteen (15)
23 days of receipt of the notice.
24

25 ***2. (2) Service - Generally***
26

27 Such notice may be served by personal delivery to the owner if he can be located within
28 the city limits, but if he cannot be so located or served after reasonable effort, notice may
29 be served by certified letter addressed to such owner at his post office address, but if such
30 address cannot be ascertained after reasonable effort, notice may be served by publication
31 two (2) times within ten (10) consecutive days in a newspaper of general circulation
32 published in the city. In the case of community property, service upon either the husband
33 or the wife shall be deemed sufficient notice hereunder.
34

35 ***3. (3) Service - Corporation***
36

37 If the owner is a corporation, service may be made by delivery of same to any office or
38 place of business of such corporation or any officer of the corporation if such office,
39 place of business or officer can be located within the city limits; but if such office, place
40 of business, or officer cannot be so located after reasonable effort, service may be made
41 by certified letter addressed to its corporate headquarters post office address; but if such
42 address cannot be ascertained after reasonable effort, the notice may be served by
43 publication two (2) times within ten (10) consecutive days in a newspaper of general
44 circulation published in the city.
45

46 ***4. (4) Service by Publication***

Whether delivered personally, by mail, or by publication, the notice provided for above shall be addressed to the owner, but if the owner is not known, service may be had by publication addressed "To the owner of (legal description of the property involved)." The notice shall give the legal description of the property, state the condition which constitutes a violation hereof, and shall state that upon failure of the owner to take approved steps toward compliance within fifteen (15) days from date the notice is delivered or within fifteen (15) days from date of the second publication, if notice is to be served by publication, a criminal complaint may be filed in the municipal court of the city for violation of this chapter, stating the penalties for violation hereof as given below.

2. (b) Remediation

1. (1) Generally

The city may also cause the work necessary to bring any property into compliance herewith to be done, if the owner has failed to respond as set forth in subsection (b) above within fifteen (15) days from the date notice has been received or published, and to charge the owner for the costs incurred by the city. A statement of the costs incurred by the city to abate such condition shall be mailed to the owner of such premises if the owner and mailing address are known and, if not known, may be published in a newspaper of general circulation in the city. The statement shall demand payment within thirty (30) days from the date of receipt or publication.

2. (2) Failure to Pay

If such statement has not been paid within such period, and if such work was further accomplished because the director of the department of health certified that such work was required to abate an unwholesome or unsanitary condition described in Chapter 342 of the Health and Safety Code, V.A.T.S., then the floodplain administrator may cause a statement of the expenses incurred to abate and correct such condition on the premises to be filed with the county clerk of the county in the deed records, and such statement shall be and the city shall have a privileged lien upon the lot, parcel, or tract of land upon which such expenses were incurred, second only to tax liens and liens for street improvement, together with ten (10) percent interest per annum on the delinquent amount from the date such payment was due. For any such expenditures and interest as aforesaid, suit may be instituted and foreclosure had in the name of the city; and the statement so made as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount expended in any such work.

3. (3) Large Trees

Although large trees are not covered hereby, and are not felt to be a nuisance or a hazard, it may be necessary at times to remove trees or parts thereof in order for the city crews or city contractors to affect entry of mowing or clearing equipment to property or portions of property not meeting standards established in this division. In such case, the removal

of such trees or parts thereof as is found necessary shall be done and is hereby authorized and the cost of this work shall be included in the cost charged to the owner.

3. (c) Options.

1. (1) Options Available

The following options are available to an owner of property in violation of the requirements of this Section.

? The owner may cause all work, improvements, and grading performed in violation of this Section to be restored to the natural state. Proof of compliance must be provided in the form of a certification signed by a registered professional engineer or surveyor to the effect that the property in question has been restored as nearly as possible to its natural state.

? The owner may lease all or a portion of the work, improvements, and grading performed in violation of this division and seek approval of a floodplain development permit by the floodplain administrator. Data presented with the permit application must demonstrate the compliance of any remaining improvements with this division.

2. (2) Time for Compliance

Each of the above options shall require a series of steps to be completed by the property owner at time intervals approved by the floodplain administrator. During the initial meeting set forth in subsection (b)(1) above, these options shall be discussed. Thereafter the owner shall have fifteen (15) days to decide which option to pursue and provide a schedule of steps with completion dates necessary to rectify the violation. Upon failure of the owner to comply with these requirements or to complete the steps according to the schedule approved by the floodplain administrator, the city may choose to pursue the remedies set forth in subsections (b) or (c).

3. (3) Time Periods

Each violation shall be considered on an individual basis. The time period for each step shall be approved by the floodplain administrator on the basis of hardship to the owner and danger to residents and citizens. The maximum time period allowed under any circumstances to perform all work necessary to bring a violation into compliance with the requirements of this division is six (6) months.

4. (d) Reporting violations, other remedies.

Violations of the Floodplain Ordinance (§ 35-505 of this Chapter and Division 6 of this Article) shall be reported by the city floodplain administrator as set out herein. Any person who fails to comply with these regulations is guilty of a misdemeanor. In addition to the other remedies provided by law, the city council may institute appropriate action to

1 abate violations of these regulations as a public nuisance and in violation of Chapter 35.

2
3 **Secs. 35-F124-35-F130. Reserved.**

4
5 *Subdivision C. Floodplain Development Permits*

6
7 **Section A.**

8 **Allowable Development within the Regulatory Floodplain**

9 No development will be permitted that has a significant adverse impact to other
10 properties – refer to Section 35-504 (b)(1).

11 No increase in the Regulatory 100-year Floodplain elevation will be permitted within the
12 watershed as a result of development.

13 An increase in water surface elevation is permitted solely on the developer's property if
14 the Regulatory 100-year Floodplain is contained in a dedicated drainage easement or
15 right-of-way.

16 Account for increase in discharge due to loss of storage and increase in impervious cover
17 in all reclamation analysis.

18 Demonstrate that the development will not increase the Regulatory 100-year Floodplain
19 velocities above 6 fps. No increase in velocity will be permitted if predevelopment
20 velocities in the floodplain exceed 6 fps.

21
22 The following development may be allowed in the regulatory 100-year floodplain and
23 will require a Floodplain Development Permit.

- 24
25 (1) All weather (passes the ultimate development 100-year flood) street crossings.
26 (2) Utility Construction
27 (3) Parks.
28 (4) Greenways.
29 (5) Recreational Facilities and Golf Courses.
30 (6) Hike and bike trails.
31 (7) Drainage improvements that mitigate existing or anticipated flood hazards.
32 (8) Capital Improvement Projects.
33 (9) Maintenance activities necessary to maintain the storm water conveyance of the
34 floodplain.
35 (10) Drainage infrastructure repair.
36 (11) Floodplain restoration.
37 (12) Wetland reestablishment or mitigation.
38 (13) Habitat reestablishment.
39 (14) Installation of Flood Monitoring Controls – rain gages, early flood warning
40 systems, high water detection systems, etc.
41 (15) Installations of emergency devices necessary to warn, alarm and protect citizens
42 at flood hazards.
43 (16) Improvements to a structure that does not fall under the definition of Substantial
44 Improvement.
45 (17) Elevating and / or floodproofing structures in the floodplain.
46 (18) 100-year floodplain reclamation where the watershed drainage area is less than

320-acres.

- (19) Parking lot construction where water depths do not exceed 6".
- (20) 100-year floodplain reclamation in areas of ineffective flow.
- (21) 100-year floodplain reclamation in overbank areas subject to extensive shallow (0'-3') flooding where flood velocities in the overbank area are less than 3 fps.
- (22) Historic structure reconstruction, rehabilitation or restoration.
- (23) Development in the Low Risk Flood Area subject to the requirements of Section 35-F145.
- (24) Reclamation between the 100-year floodplain and the regulatory 100-year floodplain. Elevate development one foot (1') above the water surface elevations established for the regulatory 100-year floodplain.
- (25) Projects that are in the best interest of the public.
- (26) Non-residential construction. Some or all of the following restrictions will be placed on non-residential construction in the floodplain:
 - (a) Demonstrate that no alternate site is available for development within the property that is out of the floodplain.
 - (b) Meet all the requirements of Sec. 35-F142(b) Nonresidential Construction.
 - (c) Ensure the lowest finished floor elevation and/or the height to which the building must be floodproofed is no lower than the higher elevation of the energy grade line or the water surface elevation plus one foot (1') of the regulatory 100-year floodplain.
 - (d) No increase in water surface elevations over existing conditions is permitted anywhere within the watershed as a result of the construction. An increase in water surface elevation is permitted on the developer's property if the floodplain is contained in a dedicated drainage easement or right-of-way.
 - (e) Unflooded vehicular access must be available to the development from a public street.
 - (f) Demonstrate that the development will not increase the 100-year floodplain predevelopment velocities above 6 fps. No increase in velocity will be permitted if predevelopment velocities exceed 6 fps.
 - (g) Demonstrate that the development will not be subject to damage from hydrostatic or hydrodynamic forces, debris impact, soaking, sediments and contaminants.
 - (h) Provide, operate and maintain an early flood warning system for the development. Warning Systems will be subject to periodic inspection by the City of San Antonio to ensure they are maintained and operated as intended.
 - (i) Complete the Letter of Map Revision process for the development.
 - (j) The owner shall indemnify the City of San Antonio against damages resulting from flooding on the owner's site.
 - (k) Other site-specific restrictions and / or requirements deemed appropriate by the Floodplain Administrator.
- (28). Construction in areas of Flood Inundation must meet the requirements of Sec. 35-F141 General Standards. Structures associated with park and recreation development (fences, open construction type bleachers, concession stands etc.) may be permitted in areas of flood inundation. Keep this construction out of the flood conveyance section of the floodplain. Compensate for loss of storage. Secure structures to minimize damage from hydrostatic or hydrodynamic forces (including buoyancy) and debris

1 impact.

2
3 **Section B.**

4 **Prohibited Development within the Regulatory Floodplain**

5 The following development will not be allowed in the regulatory floodplain.

- 6
7 (1) Development without first obtaining a Floodplain Development Permit.
8 (2) Habitable structures.
9 (3) Street or access construction that does not provide all weather access.
10 (4) Activity prohibited by Chapter 34, Article VI of the City Code "Aquifer Recharge
11 Zone and Watershed Protection".
12 (5) 100-year floodplain reclamation where the watershed drainage area exceeds 100-
13 acres except as provided in Section A.
14

15
16 **Sec. 35-F131. Requirement.**

17
18 No development or other encroachment is allowed in a floodplain that will result in any
19 increase in the base flood elevations within the floodplain during discharge of water of a
20 base flood unless the floodplain is contained within an easement. Where construction of
21 structures in a floodplain is allowed by the Director of Public Works, a floodplain
22 development permit shall be required to ensure conformance with the provisions of this
23 division. In addition, all land development in any area of special flood hazard shall be
24 required to have a floodplain development permit.
25

26 **Sec. 35-F132. Application.**

- 27
28 (a) Application for a floodplain development permit shall be presented to the director
29 of public works, on a form furnished by him, prior to any development.
30 Application for a floodplain development permit for a proposed subdivision may
31 be presented prior to or in conjunction with other data required for the platting
32 process. For platting purposes, a floodplain development permit shall serve only
33 as an approval of the floodplain ordinance requirements. No cut/or fill, building,
34 or other site alterations shall proceed until the permit is approved.

35 The permit application shall be accompanied by supporting data prepared by a
36 licensed professional civil engineer in the State of Texas. Data required by the
37 City of San Antonio Flood Plain Submittal Checklist (see 35-B106 for submittal
38 requirements), must accompany all floodplain development permit applications
39 except building renovation, reconstruction and restoration.
40

- 41 (b) In addition to the above, the following information is required:

- 42
43 (1) An Elevation Certificate for buildings on property located in or abutting the
44 floodplain.
45 (2) Elevation in relation to mean sea level to which any nonresidential structure shall
46 be floodproofed.

- 1 (3) Certification from a registered professional civil engineer or registered architect
2 that the nonresidential floodproofed structure shall meet the floodproofing criteria of
3 section 35-F142.
- 4 (4) An existing structure may be improved (remodeled) without conforming to
5 requirements of this subdivision when the improvement does not constitute a
6 Substantial Improvement. In the event that the work is considered a Substantial
7 Improvement then the structure must be brought into compliance with this
8 subdivision.
- 9 (5) Certification of the fair market value of an existing structure prepared by a certi-
10 fied real estate appraiser and a cost estimate of proposed improvements to the
11 structure prepared by a registered architect or registered professional engineer shall
12 be submitted to verify whether or not the proposed improvements exceed fifty (50)
13 percent of the fair market value of the existing structure. In the case of a structure that
14 has suffered damage, the date will verify the fair market value of the structure before
15 the damage occurred.

16
17
18 **Sec. 35-F133. Permit evaluation.**
19

- 20 (a) Approval or denial of a floodplain development permit by the director of public works
21 shall be based on all of the provisions of this division and the following relevant factors:
22 The danger to life and property due to flooding or erosion damage; velocities in
23 excess of six (6) feet per second shall be considered erosive and the product of the
24 velocity times the depth of flow in excess of that shown as within the "safe range" by
25 Figure 504-2 shall be considered dangerous to life.
- 26 (1) The susceptibility of the proposed facility and its contents to flood damage and
27 the effect of such damage on the individual owner.
- 28 (2) The danger that materials may be swept onto other lands to the injury of others
- 29 (3) The impact the development may have on the overall function of the storm water
30 facilities and the impact on properties in its own and connecting watersheds. This
31 may include but not be limited to changes in discharges as a result of changes in
32 impervious cover, velocity, storage, creek roughness, etc.
- 33 (4) The safety of access to the property in times of flood for ordinary and emergency
34 vehicles; flow depths for access shall not be greater than one (1) foot for proposed
35 subdivisions or buildings.
- 36 (5) The cost of providing governmental services during and after flooding conditions.
- 37 (6) The expected heights, velocity, duration, rate of rise and sediment transport of the
38 floodwaters and the effects of wave action, if applicable, expected at the sites shall be
39 analyzed.
- 40 (7) The availability of alternative locations, not subject to flooding or erosion damage,
41 for the proposed use;
- 42 (8) The relationship for the proposed use to the comprehensive plan for that area, with
43 respect to the dedication of additional drainage easement for future bond projects, in
44 accordance with these subdivision regulations.
- 45

1 *(b) If a flood plain development permit application is disapproved, the director of public*
2 *works shall notify the applicant in writing of the section and specific requirement of this*
3 *division with which the proposed development does not comply and the nature of such*
4 *noncompliance.*

5
6 (c) When there is a change in the alignment, width, or elevation of a floodplain
7 identified on a flood insurance rate map, then a conditional letter of map revision
8 CLOMR, or letter of map revision (LOMR) if no improvements are proposed in the
9 floodplain, must be submitted to the Federal Emergency Management Agency prior to
10 approval of the plat. If improvements are proposed in the floodplain the CLOMR must be
11 approved by FEMA and the LOMR submitted to FEMA prior to acceptance of the
12 construction by the city. A hold will be placed on all building permits for lots in a
13 floodplain until FEMA has approved the LOMR or a performance bond is issued per
14 Section 35-F134(b).

15
16 **Sec. 35-F134. Performance bond.**

17
18 (a) All proposed drainage improvements to be made within the limits of the area of
19 special flood hazard as set forth in section 35-F108, shall require a performance
20 bond which shall be filed with the city clerk, after the approval of the flood plain
21 development permit. An exception to this requirement is made for improvements
22 being made in conjunction with the platting of a subdivision under the
23 requirements of this chapter.

24
25 (b) A performance bond may be issued for the Letter of Map Revision submittal in
26 order to release the hold on the lot building permits. This bond shall be in the
27 amount of the current fees required by FEMA for LOMR review plus \$1,000.

28
29 (c) A performance bond will be executed by a surety company, licensed to do
30 business in the State of Texas, in an amount equal to the cost estimate, such cost
31 estimate to include an inflation factor based upon a locally recognized construction
32 cost index, as approved by the director of public works, of all uncompleted and
33 unaccepted improvements required by these regulations, with the condition that the
34 developer shall complete such improvements and have them approved by the director
35 of public works, within three (3) years from the date of approval of the flood plain
36 development permit.

37
38 (d) The performance bond shall be substantially in the same form as the bond
39 instrument set out in Appendix B of this chapter. The director of public works is
40 authorized to sign the bond instrument on behalf of the city of San Antonio, and the
41 city attorney shall approve the same as to form.

42
43 **Sec. 35-F135. Variance procedures.**

44
45 *(a) The planning commission shall consider requests for variances from the requirements*
46 *of these regulations. Variance requests shall be processed as follows:*

- (1) For cut and/or fill, building, building permits, or establishment of a mobile home site, the applicant shall present the disapproved permit to the director of planning together with information as to why the variance should be granted. The commission will then hear the request as soon as practical.
 - (2) For subdivision plats, the applicant may submit the disapproved permit and the request for variance prior to plat submission or in conjunction with other data required for the platting process. This request shall be handled similar to (a)(1) above. If the applicant chooses to submit the disapproved permit as part of the plat submission process, then the variance request shall be handled similar to other variances requested under Division 10, except that criteria for the flood plain variance shall be governed by this section.
 - (3) The director of planning shall notify the director of public works of the applicant's request for variance and shall furnish him with copy of the request together with the applicant's statement of facts that he feels warrant the granting of the variance. The director of public works shall reply in writing as to his evaluation of the applicant's request and make a recommendation as to approval or denial of the variance request.
 - (4) The director of planning shall notify the director of public works of the decision of the planning commission. If the commission approves the request, the permit will be issued with the variance and with any special conditions that are attached to the variance.
- (b) Any person or persons aggrieved by the decision of the planning commission may appeal such decision in the courts of competent jurisdiction
- (c) The director of public works shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (d) Variances, without regard to the procedures set forth in the remainder of this section, may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Sites and Places or the Texas State Historic Survey List.
- (e) Upon consideration of the factors noted above and the intent of this ordinance, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives stated in section 35-F104.
- (f) Variances shall not be issued within any floodplain if any increase in flood levels during the base flood discharge would result, unless the increase in flood levels are contained within a dedicated drainage easement on the requestor's property.
- (g) Variances may be granted by the commission only upon a finding that:
- (1) The variance is the minimum necessary, considering the flood hazard, to afford relief;
 - (2) There is good and sufficient cause;

- 1 (3) Failure to grant the variance will result in exceptional hardship to the applicant; and
2 (4) The variance will not result in increased flood heights, cause an additional threat
3 to public safety, result in extraordinary public expense, create nuisances, cause
4 fraud on or victimization of the public, or conflict with existing local laws or
5 ordinances.

6
7 (h) Any applicant to whom a variance or variances are granted shall be given written
8 notice of the specific parts of the Flood Plain Ordinance for which variances were granted
9 and that the cost of flood insurance will be commensurate with the increased risk
10 resulting from the granting of the variance.

11
12 **Sec. 35-F136. Notification; creation of lien.**

13
14 (a) Whenever the floodplain administrator receives information of the existence of a
15 floodplain violation, the floodplain administrator shall serve the owner of the property with
16 a written notice informing the owner of such condition, directing that action be initiated
17 to bring the property into compliance and advising the owner that he or she must respond
18 in person to the floodplain administrator or authorized representative within fifteen (15)
19 days of receipt of the notice.

20
21 (b) Such notice may be served by personal delivery to the owner if he can be located
22 within the city limits, but if he cannot be so located or served after reasonable effort,
23 notice may be served by certified letter addressed to such owner at his post office
24 address, but if such address cannot be ascertained after reasonable effort, notice may be
25 served by publication two (2) times within ten (10) consecutive days in a newspaper of
26 general circulation published in the city. In the case of community property, service upon
27 either the husband or the wife shall be deemed sufficient notice hereunder.

28
29 (c) If the owner is a corporation, service may be made by delivery of same to any
30 office or place of business of such corporation or any officer of the corporation if such
31 office, place of business or officer can be located within the city limits; but if such office,
32 place of business, or officer cannot be so located after reasonable effort, service may be
33 made by certified letter addressed to its corporate headquarters post office address; but if
34 such address cannot be ascertained after reasonable effort, the notice may be served by
35 publication two (2) times within ten (10) consecutive days in a newspaper of general
36 circulation published in the city.

37
38 (d) Whether delivered personally, by mail, or by publication, the notice provided for
39 above shall be addressed to the owner, but if the owner is not known, service may be had
40 by publication addressed "To the owner of (legal description of the property involved)."
41 The notice shall give the legal description of the property, state the condition which
42 constitutes a violation hereof, and shall state that upon failure of the owner to take ap-
43 proved steps toward compliance within fifteen (15) days from date the notice is delivered
44 or within fifteen (15) days from date of the second publication, if notice is to be served by
45 publication, a criminal complaint may be filed in the municipal court of the city for
46 violation of this chapter, stating the penalties for violation hereof as given below.

1
2 (e) The city may also cause the work necessary to bring any property into compliance
3 herewith to be done, if the owner has failed to respond as set forth in subsection (a) above
4 within fifteen (15) days from the date notice has been received or published, and to
5 charge the owner for the costs incurred by the city. A statement of the costs incurred by
6 the city to abate such condition shall be mailed to the owner of such premises if the
7 owner and mailing address are known and, if not known, may be published in a
8 newspaper of general circulation in the city. The statement shall demand payment within
9 thirty (30) days from the date of receipt or publication.

10
11 (f) If such statement has not been paid within such period, and if such work was
12 further accomplished because the director of the department of health certified that such
13 work was required to abate an unwholesome or unsanitary condition described in Chapter
14 342 of the Health and Safety Code, V .A. T .S., then the floodplain administrator may
15 cause a statement of the expenses incurred to abate and correct such condition on the pre-
16 mises to be filed with the county clerk of the county in the deed records, and such
17 statement shall be and the city shall have a privileged lien upon the lot, parcel, or tract of
18 land upon which such expenses were incurred, second only to tax liens and liens for street
19 improvement, together with ten (10) percent interest per annum on the delinquent amount
20 from the date such payment was due. For any such expenditures and interest as aforesaid,
21 suit may be instituted and foreclosure had in the name of the city; and the statement so
22 made as aforesaid, or a certified copy thereof, shall be prima facie proof of the amount
23 expended in any such work.

24
25 (g) Although large trees are not covered hereby, and are not felt to be a nuisance or a
26 hazard, it may be necessary at times to remove trees or parts thereof in order for the city
27 crews or city contractors to affect entry of mowing or clearing equipment to property or
28 portions of property not meeting standards established in this division. In such case, the
29 removal of such trees or parts thereof as is found necessary shall be done and is hereby
30 authorized and the cost of this work shall be included in the cost charged to the owner.

31
32 (h) Options.

33
34 (1) The following options are available to an owner of property in violation of the
35 requirements of this division.

36
37 (1) *The owner may cause all work, improvements, and grading performed in*
38 *violation of this division to be restored to the natural state. Proof of compliance*
39 *must be provided in the form of a certification signed by a registered professional*
40 *engineer or surveyor to the effect that the property in question has been restored*
41 *as nearly as possible to its natural state.*

42 (2) *The owner may lease all or a portion of the work, improvements, and grading*
43 *performed in violation of this division and seek approval of a floodplain*
44 *development permit by the floodplain administrator. Data presented with the*
45 *permit application must demonstrate the compliance of any remaining im-*
46 *provements with this division.*

(2) Each of the above options shall require a series of steps to be completed by the property owner at time intervals approved by the floodplain administrator. During the initial meeting set forth in subsection (a) above, these options shall be discussed. Thereafter the owner shall have fifteen (15) days to decide which option to pursue and provide a schedule of steps with completion dates necessary to rectify the violation. Upon failure of the owner to comply with these requirements or to complete the steps according to the schedule approved by the - floodplain administrator, the city may choose to pursue the remedies set forth in subsections (d), (e), and (1).

(3) Each violation shall be considered on an individual basis. The time period for each step shall be approved by the floodplain administrator on the basis of hardship to the owner and danger to residents and citizens. The maximum time period allowed under any circumstances to perform all work necessary to bring a violation into compliance with the requirements of this division is six (6) months.

Sec. 35-F137. Continuing obligations.

Drawings and other material or criteria submitted to the director of public works in applying for such permit shall, upon approval and issuance of such a permit, be a part of a condition and term of such permit. In addition, all standards and requirements of this division and all factors listed in this division as relevant in approving or denying such permit shall be a part of such a permit and a condition and term of such a permit. In addition to named materials required to be submitted in applying for such a permit, the director of public works may require additional submission in order to verify whether such a permit should be issued. The conditions and terms shall constitute a continuing obligation upon all future occupants or users of the land to the extent same are applicable after development has been completed.

Secs. 35-F138-35-F140. Reserved.

Subdivision D. Standards for Flood Hazard Reduction

Sec. 35-F141. General standards.

In all areas of special flood hazards the following provisions are required;

- (1) All new construction or substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy (see U .S. Corps of Engineers Flood Proofing Regulations, Chapter 6, Section 610).
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage (see the United States Corps of Engineers Flood Proofing Regulations, Chapter 5 and Chapter 6).
- (3) All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage (see the United States

- Corps of Engineers Flood Proofing Regulations, Chapter 12 and Chapter 13).
- (4) All new and replacement toilet, sinks, showers, water heaters, pressure tanks, furnaces, and other permanent plumbing installations shall be installed at or above the base flood elevation or floodproofed.
 - (5) All new and replacement water supply systems shall be designed to San Antonio Water System standards to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood water.
 - (6) New and replacement sanitary sewage systems shall be designed to city sanitary sewer standards to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood water.
 - (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. Waste disposal systems shall be located above the base flood water surface elevation.
 - (8) Filling or the disposal of any materials which will diminish the water flow capacity of any waterway or floodplain defined by this ordinance must be compensated for with remedial action by additional excavation or otherwise so as not to diminish water capacity.
 - (9) Floodplain engineering procedures and requirements within FEMA or United States Corps of Engineers official flood prone areas shall conform to the engineering criteria of this section.

Sec. 35-F142. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided in accordance with these regulations, the following provisions are required:

(a) *Residential construction.* Construction of habitable structures within the regulatory floodplain (base flood) is not allowed unless the floodplain is revised with a floodplain permit. Residential construction must be elevated one foot (1') above the regulatory floodplain.

(b) *Nonresidential construction.*

- (1) New construction or substantial improvements of any commercial, industrial or other nonresidential structure shall have either (a) the lowest floor, including basement, elevated to one foot (1') above the level of base flood elevation, or (b) have the lowest floor, including basement, with attendant utility and sanitary facilities, be floodproofed so that below the base flood level plus one foot (1') and above the lowest floor, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) New construction and substantial improvements, with fully enclosed areas below the lowest floor (including basement) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior

walls by allowing for the entry and exit of floodwaters. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

(3) Electrical heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) A registered professional engineer or registered architect shall submit a certification to the director of public works that the standards of this subsection are satisfied. The certification shall include a statement to the effect that the engineer has developed and/or reviewed structural design, specifications, and plans for the construction and finds them to be in accordance with this subsection. The director of public works shall utilize the flood proofing regulations manual prepared by the United States Army Corps of Engineers as a guide in determining construction requirements.

(c) *Manufactured homes.*

(1) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to the following (refer to FEMA Manual #85, Manufactured Home Installation in Flood Hazard Areas):

- a. Over the top ties at each of the four-(4) comers of the manufactured home with two (2) additional ties per side at intermediate locations. Manufactured homes more than fifty (50) feet long require one (1) additional tie per side.
- b. Frame ties at each comer of the home with five (5) additional ties per side at intermediate points. Manufactured homes more than fifty (50) feet long require four (4) additional ties per side.
- c. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds;
- d. Any additions to the manufactured home shall be similarly anchored.

(2) All manufactured homes to be placed or substantially improved within Zones AI-30, AH, and AE shall conform to the following criteria:

- a. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be one (1) foot above the base flood level. A registered professional civil engineer, registered architect, or registered public surveyor shall submit a certification to the director of public works that the standard of this paragraph complies with subsection (a).
- b. Adequate surface drainage and access for a hauler are provided.
- c. In the instance of elevation of pilings: (i) lots are large enough to permit steps, (ii) piling foundations are placed in stable soil no more than ten (10) feet apart, and (iii) reinforcement is provided for pilings

1 more than six (6) feet above the ground level.
2 (d) *Floodways*. Located within the areas of special flood hazard are areas designated as
3 floodways. Since the floodway is an extremely hazardous area due to the velocity of
4 flood waters which carry debris, potential projectiles and erosion potential, the following
5 provisions shall apply:

- 6 (1) Encroachments are prohibited, including fill, new construction, sub-
7 substantial improvements and other developments, unless certification by
8 a registered professional engineer or architect is provided
9 demonstrating that encroachments shall not result in any increase in
10 flood levels during occurrence of the base flood discharge.
- 11 (2) If subparagraph (1) above is satisfied, all new construction and sub-
12 substantial improvements shall comply with all applicable flood hazard re-
13 duction provisions of this article.
- 14 (3) The placement of any manufactured home is prohibited except in an
15 existing manufactured home park or subdivision.

16
17 **Sec. 35-F143. Areas of shallow flooding (AO Zones).**

18
19 *Located within the areas of special flood hazard are areas designated as areas of shallow*
20 *floodings. These areas have special flood hazards associated with base flood depths one*
21 *(1) to three (3) feet where a clearly defined channel does not exist and where the path of*
22 *floodings is unpredictable and indeterminate. Therefore, in these areas the following*
23 *provisions shall apply:*

- 24
25 (1) All new construction and substantial improvements of residential structures shall
26 have the lowest floor elevated one (1) foot above the highest adjacent grade or
27 one (1) foot above the depth number specified on the community's FIRM (at least
28 two (2) feet if no depth number is specified), whichever is higher controls.
- 29 (2) All new construction and substantial improvements of nonresidential structures
30 shall:
 - 31 a. Have the lowest floor elevated above the highest adjacent grade as high as
32 the depth number specified on the community's FIRM, (at least two (2)
33 feet if no depth number is specified).
 - 34 b. Together with attendant utility and sanitary facilities, be completely
35 floodproofed to or above that level so that any space below that level is
36 watertight with walls substantially impermeable to the passage of water
37 and with structural components having the capability of resisting hydro-
38 static and hydrodynamic loads and effects of buoyancy.
- 39 (3) A registered professional civil engineer, registered public surveyor, or registered
40 architect shall submit a certification to the director of public works that the stan-
41 dards of this section are satisfied.
- 42 (4) Require within Zones AH and AO, adequate drainage paths around structures on
43 slopes to guide floodwaters around and away from proposed structures.

44
45 **Sec. 35-F144. Subdivision proposals.**

1 (a) All subdivision proposals shall be consistent with sections 35-F103, 35-F104, 35-
2 F105.

3
4 (b) All proposals for the development of subdivisions shall meet the development
5 permit requirements of this division. No floodproofing of an existing or proposed
6 building in a new subdivision will be allowed as a substitute for providing the proper
7 finished ground elevation, at the slab, above the ultimate development one-hundred year
8 or twenty-five-year plus freeboard flood elevation, whichever is higher. Buildings in a
9 proposed subdivision shall be on land that is above the controlling flood elevation.

10
11 (c) Flood elevation data shall be provided for subdivision proposals and other
12 proposed development, if not otherwise provided, and shall conform to the design
13 requirements of Section 35-504 Stormwater Management.

14
15 (d) All subdivision proposals shall have adequate drainage provided to reduce
16 exposure to flood hazards, and in accordance with this division.

17
18 (e) All subdivision proposals shall have public utilities and facilities such as sewer,
19 gas, electrical and water systems located and constructed so that they will not affect the
20 existing water surface elevations of the base flood, the ultimate development one-hundred
21 year or twenty-five year ultimate development flood (whichever is greater) in the area of
22 special flood hazard.

23
24 (f) All proposed subdivisions must be contiguous to high ground that is not subject to
25 flooding (the base flood, ultimate development one-hundred year or the twenty-five-year
26 ultimate development flood, whichever is higher) that is in excess of one (1) foot flow
27 depth, i.e., no "island" will be considered for platting; unless adequate connecting
28 structures capable of passing the base flood, ultimate development one-hundred year or
29 twenty-five-year ultimate development flood (whichever is higher) are provided to high
30 ground (not subject to the controlling flood of the same flood plain), and an additional
31 one (1) foot of free board is provided to all minimum floor slab elevations.

32
33 (g) All proposed subdivisions traversed by an area of special flood hazard where the
34 "buildable" portion of the subdivision is severed by the flood plain shall be provided with
35 adequate access. Adequate access shall be a structure that will pass the control flood
36 (ultimate development one hundred-year) without overtopping the structure. Upstream
37 property must not be affected by backwater, and velocities in the vicinity of the structure
38 must be controlled to prevent scour, erosion or structural damage.(h) Proposed
39 subdivisions that involve the platting of streets shall have at least one (1) access to an
40 unflooded portion of existing dedicated street or roadway.

41
42 (i) Proposed subdivisions that do not involve the platting of streets shall have
43 access to an existing dedicated street that is not subject to flood depths of over one (1)
44 foot.

(j) Existing channels shall not be increased or decreased from their natural state until engineering data meeting the requirements of Section 35-504 Storm water Management has been approved by the city engineering division. Flood plain engineering and procedures requirements for subdivision within FEMA or United States Corps of Engineers official flood prone areas shall conform to the engineering criteria as set out in Section 35-504 Storm water Management.

Sec. 35-F145. Low risk flood area.

(a) New construction or substantial improvement of any structure, as permitted by other ordinances and regulations unless otherwise stated, may be permitted in a low risk flood area through a flood plain development permit. The low risk flood area, generally known as the River Bend Area, is specifically described in Figure 1. This section shall apply only to the lower level of multilevel structures and the street level adjacent to the river walk area. The lower level of a multilevel structure is in the low risk flood area if it is adjacent to the river walk and has access to the river walk area. The lower level is further defined as being below the regulatory flood level.

(1) Permitted uses in the low risk flood area will be limited to nonresidential uses such as commercial restaurants with open air dining facilities, recreation and entertainment areas, and other commercial establishments.

(2) Any permanent or temporary use as a place of residence or sleeping quarters shall not be permitted in the low risk flood area.

(3) No construction shall be permitted below the River Walk level. All new construction along the River Walk shall be multistory, with street level egress from any newly constructed shop, restaurant, or other establishment on the River Walk. New construction at the River Walk level shall be essentially open with jalousies, folding doors, iron gates, or other similar provisions for security. All new construction in the low risk flood area shall utilize to a maximum extent decorating and building techniques that minimize flood damage. The first habitable floor shall be elevated one (1) foot above the base flood level.

(b) The flood plain development permit application shall be submitted to the director of public works and signed and sealed by a registered professional engineer. The application shall include two (2) sets of documents with the following information:

(1) Plans and specifications showing the site and location, dimensions of all property lines and topographic elevations of the lot, existing and proposed structures and improvements, fill, storage of materials, location and elevations of existing and proposed streets and utilities, floodproofing measures, relationship of the above to the location of the flood boundary, the regulatory flood elevation and data, and the existing and proposed flood control measures and improvements.

(2) Cross-sections and profile of the area and the regulatory flood level.

- 1 (3) Flood study and drainage report in areas where a study and report have not been
- 2 reviewed and accepted by the city.
- 3 (4) Description of surrounding properties and existing structures and uses.
- 4 (5) Justification and reasons for the construction or substantial improvements with
- 5 consideration of the intent and provisions of these regulations and information as
- 6 may be applicable on the general standards of section 35-F141 and the following:
- 7 a. The danger that materials may be swept onto other lands or downstream
- 8 to the injury of others.
- 9 b. The susceptibility of the proposed facility and its contents to flood
- 10 damage and the effect of such damage on the individual owners.
- 11 c. The importance of the services provided by the proposed facility to the
- 12 community.
- 13 d. The availability of alternative locations not subject to flooding for the
- 14 proposed use.
- 15 e. The compatibility of the proposed use with existing development and
- 16 development anticipated in the foreseeable future.
- 17 f. The relationship of the proposed use to the flood plain management
- 18 program for the area.
- 19 g. The safety of access to the property in times of flood for emergency
- 20 vehicles.
- 21 h. The expected heights, velocity, duration, rate of rise, and sediment
- 22 transport of the floodwaters expected at the site.
- 23 i. That the construction or substantial improvement will not result in
- 24 adverse increase of flood heights, additional threat to public safety,
- 25 extraordinary public expense, or conflict with other laws or regulations.
- 26 (6) An agreement whereby a notice will be inserted in the deed and other conveyance
- 27 documents of the property and filed with the Bexar county clerk's office that the
- 28 property is located in a flood prone area. The notice shall also contain a statement
- 29 of the number of feet the lowest nonfloodproofed floor of the proposed structure
- 30 is below the one-hundred-year flood level and that actuarial flood insurance rates
- 31 increase as the first floor elevation decreases.
- 32 (7) Such other factors which are relevant to the purposes of these regulations.
- 33
- 34 (c) The director of public works shall approve or deny a flood plain development
- 35 permit in the low risk flood area based on the provisions of this section and other
- 36 requirements of these regulations which may be applicable to the low risk flood area.
- 37
- 38 (d) If a flood plain development permit is disapproved, the director of public works
- 39 shall notify the applicant in writing of the section(s) and the specific requirement(s) of
- 40 these regulations with which the proposed development does not comply and the nature
- 41 of such noncompliance.
- 42
- 43 (e) Requests for variances shall follow the variance procedures as set forth in section
- 44 35-F135 of this division.
- 45
- 46
- 47

ATTACHMENT "B-1& "B-2

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Attachments "B-1& "B-2" are on file in the Municipal Plaza Building in the Public
Works Department located at 114 West Commerce St, San Antonio, Texas.